



## West Virginia E-Filing Notice

CC-40-2022-C-54

Judge: Joseph Reeder

**To:** Chester Vernon Roberts, III  
croberts@slocumblaw.com

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# NOTICE OF FILING

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IN THE CIRCUIT COURT OF PUTNAM COUNTY, WEST VIRGINIA

Brenda Hoover v. Speedway LLC

CC-40-2022-C-54

The following supporting documents was FILED on 6/3/2022 12:00:00 AM

Notice Date: 6/3/2022 3:37:23 PM

William Mullins  
CLERK OF THE CIRCUIT COURT  
Putnam County  
12093 Winfield Road  
WINFIELD, WV 25213

(304) 586-0203  
WilliamR.Mullins@courtsww.gov

**EXHIBIT A**

FILED | 5/3/2022 12:00 AM  
CC-40-2022-C-54  
Putnam County Circuit Clerk  
William Mullins



## West Virginia E-Filing Notice

CC-40-2022-C-54

Judge: Joseph Reeder

To: Speedway LLC  
126 East Burke Street  
Martinsburg, WV 25401

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## NOTICE OF FILING

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IN THE CIRCUIT COURT OF PUTNAM COUNTY, WEST VIRGINIA

Brenda Hoover v. Speedway LLC

CC-40-2022-C-54

The following complaint was FILED on 5/3/2022 1:18:47 PM

Notice Date: 5/3/2022 1:18:47 PM

William Mullins  
CLERK OF THE CIRCUIT COURT  
Putnam County  
12093 Winfield Road  
WINFIELD, WV 25213

(304) 586-0203  
WilliamR.Mullins@courtsww.gov

**SUMMONS**

E-FILED | 5/3/2022 1:18 PM  
 CC-40-2022-C-54  
 Putnam County Circuit Clerk  
 William Mullins

## IN THE CIRCUIT OF PUTNAM WEST VIRGINIA

**Brenda Hoover v. Speedway LLC**

Service Type: Circuit Clerk - Certified Mail - Including Copy Fee

NOTICE TO: Speedway LLC, 126 East Burke Street, Martinsburg, WV 25401

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Chester Roberts, 300 CAPITOL ST, STE 1101, CHARLESTON, WV 25301

THE ANSWER MUST BE MAILED WITHIN 20 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

## SERVICE:

5/3/2022 1:18:47 PM

Date

/s/ William Mullins

Clerk

## RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on \_\_\_\_\_☐ I certify that I personally delivered a copy of the Summons and Complaint to \_\_\_\_\_

☐ I certify that I personally delivered a copy of the Summons and Complaint to the individual's dwelling place or usual place of abode to \_\_\_\_\_, a member of the individual's family who is above the age of sixteen (16) years and by advising such person of the purpose of the summons and complaint.

☐ Not Found in Bailiwick\_\_\_\_\_  
Date\_\_\_\_\_  
Server's Signature

E-FILED | 5/3/2022 1:18 PM  
CC-40-2022-C-54  
Putnam County Circuit Clerk  
William Mullins

**IN THE CIRCUIT COURT OF PUTNAM COUNTY, WEST VIRGINIA**

**BRENDA HOOVER**

**Plaintiff,**

**v.**

**Civil Action No.:** \_\_\_\_\_

**Judge:** \_\_\_\_\_

**SPEEDWAY LLC**

**Defendants.**

**COMPLAINT**

For her Complaint against the Defendant, the Plaintiff alleges and states as follows:

**PARTIES**

1. At all times relevant hereto, Plaintiff Brenda Hoover ("Plaintiff") was a resident and citizen of Winfield, Putnam County, West Virginia.
2. Upon information and belief, Defendant Speedway LLC ("Defendant Kroger") is a limited liability company with its principal place of business in Enon, Ohio and may be served through its registered agent in West Virginia at Corporation Creations Network Inc. located at 126 East Burke Street, Martinsburg, West Virginia, 25401.

**JURISDICTION AND VENUE**

3. Jurisdiction and venue are appropriate in this Court pursuant to West Virginia Code §§ 51-2-2 and 56-1-1 as: the amount in controversy is above the jurisdictional threshold; the underlying accident that gives rise to this Complaint occurred in Putnam County, West Virginia; Plaintiff Brenda Hoover is a resident of Putnam County; and Defendant Speedway LLC does substantial business in Putnam County, West Virginia.

**FACTS**

4. On or about February 18, 2021, Plaintiff was walking on the sidewalk, near the ice machines, outside of the Speedway located at 12457 Winfield Road, Winfield, Putnam County, West Virginia (hereinafter "subject store").

5. As Plaintiff was walking with due care to the ice machine outside the subject store, she was caused to suddenly slip and fall when she stepped on a patch of ice on the concrete sidewalk (hereinafter "subject sidewalk") located directly outside the subject store, thereby sustaining personal injuries.

6. The Plaintiff's fall was the direct and proximate result of the unsafe and hazardous condition created by the snow and ice located on the subject sidewalk.

7. The Plaintiff neither caused nor contributed to the incident or her injuries.

**COUNT I  
(NEGLIGENCE AGAINST SPEEDWAY LLC)**

8. Plaintiff re-alleges, adopts, and incorporates herein by reference as part of this Count all of the allegations contained in Paragraphs One through Seven above.

9. Plaintiff's injuries were the direct and proximate result of the negligence of Defendant, through its employees and/or agents, in failing to properly inspect the subject sidewalk for snow and ice and other unsafe and/or hazardous defects and conditions; in failing to remove ice from the subject sidewalk; in failing to properly maintain the subject sidewalk to be free of unsafe and/or hazardous conditions; in allowing the subject sidewalk to remain in an unsafe and hazardous condition; and in failing to warn or otherwise advise Plaintiff of the unsafe and hazardous condition of the subject sidewalk, all when it knew, or should have known, that the unsafe and hazardous condition of the subject sidewalk posed a danger and risk of imminent harm to Plaintiff and others walking on the premises.

10. It was the duty of Defendant to properly inspect, repair, and maintain the subject sidewalk in a condition that was reasonably safe for invitees and other persons lawfully using the subject sidewalk, including Plaintiff.

11. Notwithstanding that duty, Defendant was negligent as aforesaid, and its negligence caused Plaintiff to fall and strike the ground, thereby sustaining serious personal injuries.

12. Defendant is responsible for the aforesaid actions of its employees and/or agents under the doctrine of *respondeat superior*.

13. As the direct and proximate result of the negligence of Defendant as aforesaid, Plaintiff has suffered, and will continue to suffer, severe and permanent physical injuries, permanent disability, great pain and suffering, and severe mental anguish and emotional distress.

14. As a further result of the negligence of Defendant as aforesaid, the Plaintiff has incurred, and will continue to incur, substantial medical and related expenses, transportation costs, loss of time and enjoyment from his customary leisure and recreational activities, and permanent impairment of his customary leisure and recreational activities.

**WHEREFORE**, the Plaintiff demands judgment against Defendant Speedway LLC for punitive and compensatory damages in an amount to be determined by a jury which meets and exceeds the jurisdictional requirements of this Honorable Court, in accordance with West Virginia Code §55-7-6, et. seq., together with pre-judgment and post-judgment interest, costs and attorney fees and such further relief as this Honorable Court deems appropriate.

**THE PLAINTIFF DEMANDS A TRIAL BY JURY**

**BRENDA HOOVER**

**By counsel,**



Chester V. Roberts III (WVSB #13732)

Bradley W. Hines (WVSB #13629)

**Slocumb Law Firm, LLC**

300 Capitol Street

Suite 1101

Charleston, WV 25301

Phone: (304) 721-4900

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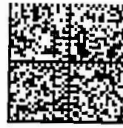
[croberts@slocumblaw.com](mailto:croberts@slocumblaw.com)



**WILLIAM R. MULLINS**  
Putnam County Circuit Clerk  
12093 Winfield Road, Suite 12  
Winfield, WV 25213



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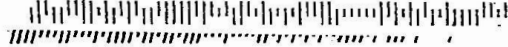
PUTNAM COUNTY  
CIRCUIT COURT

*RJS*

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